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10/761,829

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EXAMINER

LEWIS, ALICIA M

ART UNIT

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2164

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                  |  |
|------------------------------|--------------------------------------|----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/761,829 | <b>Applicant(s)</b><br>LI ET AL. |  |
|                              | <b>Examiner</b><br>Alicia M. Lewis   | <b>Art Unit</b><br>2164          |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,7-9,15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,7-9,15 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/23/2009</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This office action is responsive to the communication filed June 11, 2009.

Claims 1, 7 and 15 are currently amended, and claims 4-6, 10-14, 16, 17, 19 and 20 are canceled. Therefore, claims 1-3, 7-9, 15 and 18 are pending in this application.

#### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on September 23, 2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: In line 7 of the claim, the hyphen between then words data and into should be removed. Appropriate correction is required.
3. Claim 7 is objected to because of the following informalities: the colon is missing at the end of line 3 of the claims. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3, 7-9, 15 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 1 and 7 include the limitation "transferring the first essence data and/or said second essence data into third essence data, the third essence data being multimedia data not comprised in metadata wherein a data format of the third essence data is the same as said first essence data and/or said second essence data".

However, this limitation is ambiguous. It is unclear as to what is meant by transferring the first essence data and/or second essence data into third essence data, and how first and/or second essence data may be transferred into third essence data, yet still have the same format. It is further unclear as to how first essence data which is a part of metadata is transferred into essence data that is not comprised in metadata, and still have the same format. The Examiner is unable to comprehend exactly what occurs in the transferring step. For the purposes of examination, the limitation will be interpreted to mean storing metadata essence in a metadata file/database and also in another non-metadata file/database.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 7-9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (US Patent 6,567,980 B1) ('Jain') in view of Parulski et al. (US 2007/0067295 A1) ('Parulski').

With respect to claims 1 and 7, Jain teaches a method/device for processing metadata, the metadata comprising essence data and link data, wherein essence data comprises at least one of text, picture, video and audio data (column 6 line 41 – column 8 line 21), the method comprising the steps of:

providing a first metadata item from a metadata database (column 3 lines 61-67), the first metadata item including first essence data and/or link data (Figure 6, column 6 lines 41-67, column 15 lines 47-48, 51-55), wherein the link data directly or indirectly points to second essence data different from the first essence data (column 13 lines 29-30);

transferring the first essence data and/or said second essence data into third essence data, the third essence data being multimedia data not comprised in metadata (column 13 lines 51-61, column 15 lines 47-50, 56-57, column 16 claim 7) (*key frames are converted to JPEG image files*);

creating a new file outside the metadata database (column 13 lines 54-56); and  
storing the third essence data into the new file (column 13 lines 54-56) (*key frames are converted to JPEG image files, which may be stored separately*).

Jain does not teach transferring the first essence data and/or said second essence data into third essence data, the third essence data being multimedia data not comprised in metadata wherein a data format of the third essence data is the same as said first essence data and/or said second essence data.

Parulski teaches using metadata stored in image files and a separate database to facilitate image retrieval (see abstract), in which he teaches transferring the first essence data and/or said second essence data into third essence data, the third essence data being multimedia data not comprised in metadata wherein a data format of the third essence data is the same as said first essence data and/or said second essence data (paragraphs 17, 19 and 44-46) (*A user inputs pre-assigned metadata labels into a metadata database. The user later selects labels from the metadata database to associate with image files. Thus, the metadata labels (i.e. texts) are first stored in metadata database, and then transferred to image files when they are associated with image files. When the labels are associated with image files, they are stored as part of the image file, as text labels. Thus, the label format does not change, and the first essence data is transferred into third essence data*).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Jain by the teaching of Parulski because transferring the first essence data and/or said second essence data into third essence data, the third essence data being multimedia data not comprised in metadata wherein a data format of the third essence data is the same as said first essence data and/or

said second essence data would enable categorized metadata to be used for fast retrieval of data such as images or video (Parulski, abstract).

With respect to claims 2 and 8, Jain as modified teaches further comprising the step of editing said first essence data and/or said second essence data under the control of a graphical user interface (Jain, column 4 line 22, column 6 lines 61-66).

With respect to claims 3 and 9, Jain as modified teaches wherein said second essence data is included in a second metadata item as essence data (Jain, Figure 16, column 15 lines 47-55, column 13 lines 29-30) (*Jain teaches that all metadata is cross-referenced/cross-linked based on time codes. Thus time codes may represent link data and any of the described essence data of the metadata items in Figure 6, column 6 lines 41-67 may be considered second essence data included in a second metadata item. For example, the sentences of the close caption text may be considered second essence data (i.e. text data) included in the second metadata item close-caption text track*).

With respect to claim 18, Jain teaches wherein in said step of transferring, both the first essence data and the second essence data are combined into said third essence data (Jain, column 14 lines 7-25).

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (US Patent 6,567,980 B1) ('Jain') in view of Parulski et al. (US 2007/0067295 A1) ('Parulski'), as applied to claims 1-3, 7-9 and 18 above, and further in view of Applicant's Admitted Prior Art (AAPA).

With respect to claim 15, Jain in view Parulski teaches a method/device for cleaning a metadata database comprising the method/device for processing metadata as claimed in claims 1 and 7 (see rejection of claims 1 and 8 above), wherein the second essence data is included in a second metadata item also stored in said metadata database (Jain, Figure 16, column 3 lines 61-67, column 15 lines 47-55, column 13 lines 29-30) *Jain teaches that all metadata is cross-referenced/cross-linked based on time codes. Thus time codes may represent link data and any of the described essence data of the metadata items in Figure 6, column 6 lines 41-67 may be considered second essence data included in a second metadata item. For example, the sentences of the close caption text may be considered second essence data (i.e. text data) included in the second metadata item close-caption text track.*

Jain in view of Parulski does not teach the device further comprising means for deleting from the metadata database the first and/or the second metadata item that was transferred to the third essence data outside the metadata database.

AAPA teaches deleting metadata that is no longer utilized as index information, i.e., metadata that has been transferred/converted and stored as essence data (page 1, lines 26-28 of the specification).



It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Jain by AAPA because deleting metadata that is not longer utilized would enable a metadata database to be cleaned regularly (AAPA, page 1 lines 25-26 of the specification).

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (US Patent 6,567,980 B1) ('Jain') in view of Parulski et al. (US 2007/0067295 A1) ('Parulski'), as applied to claims 1-3, 7-9 and 18 above, and further in view of Bendert et al. (US 5,761,678) ('Bendert').

With respect to claim 15, Jain in view of Parulski teaches a method/device for cleaning a metadata database comprising the method/device for processing metadata as claimed in claims 1 and 7 (see rejection of claims 1 and 7 above), wherein the second essence data is included in a second metadata item also stored in said metadata database (Jain, Figure 16, column 3 lines 61-67, column 15 lines 47-55, column 13 lines 29-30)

Jain in view of Parulski does not teach the device further comprising means for deleting from the metadata database the first and/or the second metadata item that was transferred to the third essence data outside the metadata database.

Bendert teaches creation of clone storage area with identification of base storage area and deferred cloning of metadata (see abstract), in which he teaches automatically deleting metadata item after essence data is processed (column 9 lines 5-7).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Jain by Bendert because deleting metadata item after essence data is processed would enable unused metadata to be deleted and thus provide more storage space and a more efficient system.

11. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Jain et al. (US Patent 6,567,980 B1) ('Jain'), and further in view of Parulski et al. (US 2007/0067295 A1) ('Parulski').

With respect to claims 1 and 7, AAPA teaches a method/device for processing metadata, the metadata comprising essence data and link data, wherein essence data comprises at least one of text, picture, video and audio data (page 1 lines 17-23 of the specification), the method comprising the step of:

providing a first metadata item from a metadata database (page 1 line 25), the first metadata item including first essence data and/or link data (page 1 lines 17-23), wherein the link data directly or indirectly points to second essence data different from the first essence data (page 1 lines 19-23);

AAPA does not teach transferring the first essence data and/or said second essence data into third essence data, the third essence data being multimedia data not comprised in metadata; creating a new file outside the metadata database; or storing the third essence data into the new file.

Jain teaches a video cataloger system with hyperlinked output (see abstract), in which he teaches:

transferring the first essence data and/or said second essence data into third essence data, the third essence data being multimedia data not comprised in metadata (column 13 lines 51-61, column 15 lines 47-50, 56-57, column 16 claim 7) (*key frames are converted to JPEG image files*);

creating a new file outside the metadata database (column 13 lines 54-56); and  
storing the third essence data into the new file (column 13 lines 54-56) (*key frames are converted to JPEG image files, which may be stored separately*).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified AAPA by the teaching of Jain to enable a media cataloging and media analysis application that performed indexing and distribution of video across an enterprise (Jain, column 2 lines 5-23).

Further regarding claims 1 and 7, AAPA in view of Jain does not teach transferring the first essence data and/or said second essence data into third essence data, the third essence data being multimedia data not comprised in metadata wherein

a data format of the third essence data is the same as said first essence data and/or said second essence data.

Parulski teaches using metadata stored in image files and a separate database to facilitate image retrieval (see abstract), in which he teaches transferring the first essence data and/or said second essence data into third essence data, the third essence data being multimedia data not comprised in metadata wherein a data format of the third essence data is the same as said first essence data and/or said second essence data (paragraphs 17, 19 and 44-46) *(A user inputs pre-assigned metadata labels into a metadata database. The user later selects labels from the metadata database to associate with image files. Thus, the metadata labels (i.e. texts) are first stored in metadata database, and then transferred to image files when they are associated with image files. When the labels are associated with image files, they are stored as part of the image file, as text labels. Thus, the label format does not change, and the first essence data is transferred into third essence data).*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified AAPA by the teaching of Parulski because transferring the first essence data and/or said second essence data into third essence data, the third essence data being multimedia data not comprised in metadata wherein a data format of the third essence data is the same as said first essence data and/or said second essence data would enable categorized metadata to be used for fast retrieval of data such as images or video (Parulski, abstract).

***Response to Arguments***

12. Applicant's arguments with respect to claims 1-3, 7-9, 15 and 18 have been considered but are moot in view of the new ground(s) of rejection.

13. Regarding claim 15, Applicant argues that AAPA does not teach deleting metadata that was transferred outside the metadata database. Examiner disagrees. AAPA teaches that metadata that is no longer utilized is deleted. Metadata that has been transferred is no longer utilized. Furthermore, Bendert also teaches this limitation.

***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. M. L./  
Examiner, Art Unit 2164  
October 25, 2009

/Charles Rones/  
Supervisory Patent Examiner, Art Unit 2164